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SENTENCING IN THE MEDIA: A CONTENT ANALYSIS OF ENGLISH- LANGUAGE NEWSPAPERS IN CANADA



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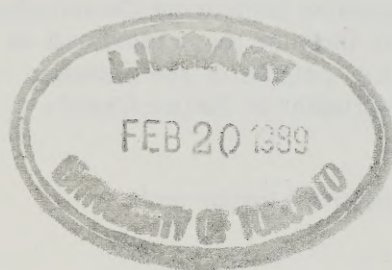


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**SENTENCING IN THE MEDIA:
A CONTENT ANALYSIS OF ENGLISH-LANGUAGE NEWSPAPERS IN CANADA**



**Julian Roberts
Department of Justice Canada
1988**

This report was written for the Canadian Sentencing Commission. The views expressed here are solely those of the authors and do not necessarily represent the views or policies of the Canadian Sentencing Commission or the Department of Justice Canada.

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ABSTRACT

Public opinion polls over the period 1975-85 have documented widespread public disapproval with sentencing practices (or what the public perceive to be current sentencing practices). Recent research by the Canadian Sentencing Commission found that 95% of the polled public cited the news media as their primary source of information about sentencing and the criminal justice system. Little work has investigated media treatment of sentencing stories. This study consists of a content analysis of a sample of nine English-language newspapers in Canada for a one-year period (1984-85). It complements other analyses of news media also conducted for the Canadian Sentencing Commission (see: Rosenfeld, 1988 and Tremblay, 1988). Results indicated that offences against the person were highly over-represented, relative to their actual frequency. In addition, most sentencing stories were very brief and made no mention of the purposes of sentencing in general or the reasons for the particular sentence. Imprisonment was the disposition in 70% of the reported cases. No mention was made of maximum penalties, minimum penalties or current sentencing practice. These findings are discussed in light of the public opinion data which have been interpreted to reveal widespread public dissatisfaction with sentencing.

PREFACE

This study consists of a content analysis of a sample of english-language newspapers in Canada. It was one of several media studies initiated by the Canadian Sentencing Commission. For an examination of french-language publications the reader is directed to "Recherche sur les stratégies et pratiques des médias en matière d'information judiciaire" by Gaetan Tremblay. For a more qualitative analysis of the media there is another study which consisted of a survey of editors and writers associated with various forms of news media. This survey focused upon existing policy and practice with regard to coverage of sentencing issues. It is titled "Process, Policy and Prejudice - A Survey of Editorial Policies on Sentencing - Related News" and was written by Erika Rosenfeld. Both these reports are available from the Research and Development Directorate, Department of Justice, Canada. The purpose of the present report is to summarize, in an accessible manner, some of the principal findings of the english-language content analysis.

This study was conducted under the supervision of Professor Jean-Paul Brodeur, Director of Research for the Canadian Sentencing Commission. Finally I would like to note that this study would not have been possible without the diligent work of Rena Zaretsky and Gabriella Cavallero whose substantial contributions are gratefully acknowledged.

Julian Roberts
Ottawa, Canada
October 1, 1987

INTRODUCTION¹

Whether or not the recommendations of the Canadian Sentencing Commission are enacted, the release of the Commission's report has sparked new interest in the question of sentencing reform. It is a debate which members of the public will follow with interest; the majority disapprove of what they perceive to be current sentencing practices. The most recent opinion poll in Canada revealed that fully 78% of respondents favoured harsher sentences² (Ottawa Citizen, 1987a). The proportion of respondents endorsing this view has changed little over the past decade: in 1977 the figure was 75% (Roberts and Doob, 1988). This phenomenon (dissatisfaction with the sentencing process) is not restricted to this country. The percentage of people endorsing the view that sentences are too lenient is even higher in the United States (see Nock and Sheley, 1979).

Concern with public dissatisfaction with sentencing has stimulated a considerable amount of research. This work has addressed methodological issues (such as the validity of poll data (see Bertrand, 1982) as well as substantive questions relating to the extent of public knowledge in this area (Doob and Roberts, 1983). Most recently, attention has focused upon the role of the news media in fostering the view that sentences are inappropriately lenient.

It is clear that the vast majority of the Canadian public rely almost exclusively upon the news media for information about criminal justice issues in general, and in particular sentencing. In a nation-wide poll carried out in 1986 for the Canadian Sentencing Commission, 95% of respondents cited one of the news media as their primary source of information about sentencing. In order to understand public views of sentencing, we need to explore the image of sentencing projected by the news

media. Accordingly, several research projects of the Canadian Sentencing Commission explored news media treatment of sentencing issues. One of these projects consisted of a content analysis of daily newspapers, with the purpose of composing a picture of sentencing derived from stories appearing in the major english-language newspapers in Canada.

Previous Research on Crime News in the Media.

Although content analyses of news media treatment of crime have been conducted for some time now, little is known about the specific issue of sentencing. This is somewhat surprising in light of widespread public dissatisfaction with sentencing trends. Those content analyses that have been conducted have documented the media's preoccupation with violent, interpersonal crime. Gordon and Heath (1981) found that 18% of front-page stories in U.S. newspapers dealt with violent crime. Doob (1985) reports that over 50% of the stories of crime in Canadian newspapers dealt with offences involving violence. This trend is not restricted to the North American news media: Van Dijk (1978) reports that crime stories involving violence were ten times more frequent than actual offences of violence. These results are not surprising - the media always dwell upon dramatic rather than mundane news items. This would lead one to anticipate that the news media will pay greater attention to those sentencing hearings in which an offender receives a sentence that is unusual in some way, that is to say, exceptionally harsh or lenient.

Another expectation derived from the emphasis, in the news media, upon the exceptional rather than the prosaic, is that coverage of the events preceding the verdict will be more extensive than coverage of the events following a conviction.

Previous content analyses have documented that this is the case. Thus Graber (1980) found that only 11% of newspaper stories from a sample of U.S. newspapers dealt with sentencing. A similar content analysis of Toronto newspapers found that only 13% of stories devoted to criminal justice contained a sentence or dealt with the sentencing process (Roberts, 1980).

One consequence of the scant attention paid by the media to sentencing is that the picture of sentencing in general and of any particular hearing, will be very incomplete. Several commentators have noted this. For example, over 100 years ago (1883) the celebrated jurist Stephen wrote the following:

"Newspaper reports are necessarily much condensed, and they generally omit many points which weigh with the judge in determining what sentence to pass."(p.90)

And:

"The public's interest in what the courts do with convicted criminals is manifested in the discussions of sentencing policy [which] seems to be based on reports which omit some facts or emphasize others unduly."

This is important to know because previous research (see Doob and Roberts, 1983; 1984) has documented the adverse consequences arising from incomplete coverage of a sentencing hearing. For example, in one study, using members of the Canadian public as subjects, researchers compared the reactions of two groups, one had read the newspaper account of a sentencing hearing, the other read a summary of the sentencing hearing transcript. Evaluations of the sentence, the offender, the offence and the judge were radically different as a function of which account people read.

Participants who were exposed to the news media version of the sentences held significantly more negative views of the sentence, the offender, the judge and the offence.

To summarize, while research has demonstrated the important role the news media play in determining public conceptions of criminality and responses to sentencing, no content analysis has focused on news media treatment of sentencing. The present article reports the results of the first such systematic content analysis of english-language print medium in Canada.

METHODOLOGY

Sampling

Almost all content analyses employ a sampling strategy (Holsti, 1969). The time-frame encompassed by the present analysis was a one-year period from July 1, 1984 to June 30, 1985. There were two sources of stories. First, the newspaper clippings provided by the Department of Justice, Canada, and the Ministry of the Solicitor-General were scanned for the period in question and all relevant articles extracted. The criterion for inclusion was simply whether the article reported a sentence in a Canadian court of law or dealt with a related issue, such as sentencing guidelines or sentencing reform. Due to the idiosyncratic nature of these clipping services, an additional, more systematic source was sought. Stories on sentencing (or which contained a sentence) were clipped from a sample of the following nine newspapers: Toronto Star, Globe and Mail, Winnipeg Free Press, Calgary Herald, Vancouver Sun, Halifax Chronicle, Edmonton Journal, Montreal Gazette and Ottawa Citizen. Every sixth day (on a rotating basis, to avoid associating a particular newspaper with a particular day) was examined for all nine papers. This sampling ratio has been established by prior research to provide adequate representation (see Davis and Turner, 1981; Stempel, 1982). If a particular paper was not published on a day selected, the preceding day was chosen instead. Thus 50 days of each publication were included in the analysis. These two methods generated a total of 761 stories. These stories were then coded by two research assistants.

RESULTS AND DISCUSSION³

Offences Reported

Table 1 presents a frequency tabulation of the stories broken down into four categories: offences against person (e.g. homicide, robbery, assault); offences against the state (e.g., perjury, obstruct justice, contempt); offences involving property (e.g. theft, forgery, arson); offences involving restricted objects and substances (e.g. trafficking, possession of narcotics, firearms offences) (see Appendix B for examples of offences comprising the four categories). Offences against the person are clearly over-reported relative to their actual frequency. Occurrence statistics suggest that this category of crime accounts for less than 5% of all reported crimes.

TABLE 1

Breakdown of Sentencing Stories in English-Language

Canadian Newspapers (1984-85) by Offence Category

<u>Offence Category^a</u>	<u># Stories</u>	<u>% Total</u>	<u># Offences</u>	<u>% Total</u>
Against Persons	392	52	539	58
Against the State	137	18	134	15
Property	131	17	162	17
Drugs or Guns	101	13	92	10
	<u>761</u>	<u>100</u>	<u>927</u>	<u>100</u>

^a See Appendix B for examples of offences comprising each category.

Brillon, Louis-Guerin and Lamarche (1984) report the results of a poll in which respondents were asked to specify what type of offender they had in mind when they gave their opinions on the severity of sentences. Fully 60% were thinking of violent offenders. The pattern of sentencing stories reported in the newspapers may explain this finding. The majority of sentences reported are for convictions of offences against the person.

Consistent with the expectation that sentencing stories would be brief, is the finding that the average story was 248 words in length. There was little variation in length across the different categories of offence type: offences against the person tended to be slightly longer (255 words) than those offences involving property (which averaged 233 words in length).

DETAILED BREAKDOWN OF OFFENCE CATEGORIES

(a) Offences Against the Person

Homicide (murder, manslaughter, criminal negligence causing death) accounted for 27% of stories in this category. A further 38% were devoted to assaults (including sexual assault). The complete breakdown can be seen in Table 2.

TABLE 2

Breakdown of Crimes Against the Person

<u>Offence Category</u>	<u>% of Total Stories (in Category)</u>
Murder (First and Second Degree)	15
Manslaughter and Criminal Negligence Causing Death	12
Sexual Assaults	23
Robbery	16
Non-Sexual Assaults	15
Other	21
	<hr/> 100 <hr/>

(b) Offences Against the State

Table 3 presents a breakdown of crimes against the state. The most frequent sub-category is offences involving indecency and morals (e.g. incest) which accounts for 30% of stories. The next most frequent is impaired driving (18%).

TABLE 3

Breakdown of Crimes Against the State

<u>Offence Category</u>	<u>% Total</u>
Indecency/morals	38
Impaired Driving	18
Perjury/Contempt	6
Obstruct Justice	6
Fail to Remain	5
Public Mischief	3
Other	24
	<hr/>
	100
	<hr/>

Table 4 breaks down the offences comprising the Economic/Property Category. The most frequent offence sub-category was theft (over and under \$200).

TABLE 4

Breakdown of Crimes Involving Property

<u>Offence</u>	<u>% Total</u>
Theft (over & under \$200)	30
Break and Enter (Private dwelling or business)	21
Fraud	16
Possession	14
Arson (specific & other)	6
Forgery	2
Other	<u>11</u>
	<u>100</u>

Table 5 presents a breakdown of controlled objects and substances. Not surprisingly, the majority of these stories dealt with drug-related offences.

TABLE 5

**Breakdown of Crimes Involving
Controlled Objects and Substances**

<u>Offence</u>	<u>% Total</u>
Drug-related	63
Firearm-related	34
Other	3
	<hr/>
	100
	<hr/>

Sentences Reported

Table 6 presents a breakdown of the sentences reported in this sample of stories. Once again the picture of sentencing that emerges from the newspapers is at considerable variance with reality. The most frequent disposition by far was custody: fully 70% of the convictions reported resulted in sentences of imprisonment. Alternatives to incarceration were rarely described. This of course is the opposite of reality, where custodial terms are infrequently used relative to other dispositions. Nation-wide data on sentencing practices and trends are no longer routinely available in this country. However, special studies commissioned by the Department of Justice, Canada (1983), suggest that a fine is the most frequent disposition for all but the most serious offences. Earlier data from across Canada sustain this conclusion.⁴

TABLE 6

Sentences Reported in Newspaper in Sentencing Stories

	<u>N</u>	<u>%</u>
Imprisonment ^a	650	70
Probation	108	12
Fine	80	9
Conditional Discharge	11	1
Restitution	17	1
Other	63	7
	<u>929^b</u>	<u>100</u>

^a Includes all types of incarceration (e.g. intermittent sentences).

^b Exceeds number of stories due to multiple sentences (e.g. probation plus restitution in some stores).

It is interesting to compare this table with the results of a similar analysis conducted upon a sample of stories from the U.S. news media. Doris Graber (1980) examined crime stories appearing in American newspapers and news broadcasts for a 12 month period, 1976-1977. While sentences of imprisonment were the most frequent disposition in both samples, sentences of custody comprised only one-third of the American sample.

Purposes of Sentencing

It is clearly important to know whether, and to what extent, the news media communicate information about the purposes of sentencing. If a judge hands down a lenient sentence in order to promote the rehabilitation of the offender, it is imperative that this purpose be communicated to the public. Else readers are likely to attribute this 'leniency' to unprincipled disparity in sentencing. However, in 90% of the stories sampled, no mention was made of any particular purpose of sentencing. General deterrence was cited in 6% of the stories, while the remaining 4% contained reference to one of the remaining sentencing aims (rehabilitation, special deterrence, incapacitation or retribution).

A further analysis was conducted to see to what extent the news media report reasons for a sentence. It is possible that information is transmitted about the reason for the sentence, even if the purpose remains unclear. A statement was only classified as a purpose if the reporter included the actual phrase (e.g. general deterrence) or a close facsimile (e.g. "in order to deter others"). By reason we refer to more general statements which may justify a sentence, an example of which would be the following: "I am sending you away for substantial period on account of your extensive criminal record". It is not clear whether this constitutes an attempt to deter the individual (individual deterrence) or simply to provide a sentence that reflects both the gravity of the offence and the offender's criminal history (to accommodate a modified just deserts principle). In any event the results mirrored those of the former analysis on actual purposes. Very little information was provided in terms of reasons: in 70% of the stories no reasons for sentence were reported; in 18% one reason was given, in 5% two reasons were given.

Clearly then, very little material upon the judicial reasoning behind a sentence is ever conveyed to the public via the newspapers. Although this content analysis did not include the electronic media, there is little reason (on the basis of other research - see Graber, 1980) to suppose that matters are very different for television and radio news.

Mandatory Minimum Penalties, Maximum Penalties and Current Sentencing Practice

Previous research in the United States (see California Assembly Criminal on Criminal Procedure, 1968; Williams, Gibbs and Erickson, 1980), has demonstrated that members of the public have little idea of the maximum penalty structure in their jurisdictions. Research by the Canadian Sentencing Commission confirmed this same finding. Chapter 4 of the report of the Canadian Sentencing Commission (1987) makes this clear. When a representative survey of the Canadian public was asked to estimate some common maximum penalties, few respondents had any accurate idea of the maxima contained in the Criminal Code. This was even true for an offence like impaired driving which has received a great deal of news coverage over the past couple of years. Fully three-quarters of the respondents in the survey answered 'don't know' when asked to state the maximum penalty for impaired driving. Of those who did respond, only 4% were correct. Public ignorance of minimum penalties was equally widespread. Respondents were, for the most part, unable to state which offences carried a minimum penalty. Once again the example of impaired driving was telling: despite the publicity surrounding the new minimum penalties for this offence, only one-quarter of respondents know there was a minimum penalty for driving while impaired. Examination of the sentencing stories contained in this sample shows why this should be the case. It is unnecessary to provide a table to address this point.

In only 23 of all the stories was a maximum penalty mentioned. And, although there were a number of stories involving cases of impaired driving, mandatory minimum penalties were noted in only seven articles. Finally, in terms of information about current practice, not even one story made reference to the average sentence for any particular offence.

Profile of the Offender

The sex of the offender was mentioned most often of all offender characteristics: it was provided in 100% of the stories: in 92% of the cases the offender was male. Employment status was next – mentioned 23% of the time. The vast majority (83%) of the offenders were described as being employed at the time of sentencing. One quarter of the stories mentioned family status and of these 68% had a family and 32% were single.

Comparison Between Sentences Reported in the Newspapers and Recent Court Data

The next analyses compare the sentences reported in this sample of stories with sentences from the FPS-CPIC data-base which was recently made available by the Canadian Centre for Justice Statistics. Comparisons of this kind must be tentative for two reasons. First, because the sample of newspaper stories, while systematic, is going to render few cases for most offences. Second, because the FPS data-base was not accumulated to provide sentencing information. Accordingly it contains some sources of error which may affect the validity of conclusions drawn.

An example will illustrate some of these difficulties. Cases of sexual assault in the FPS data-base are, for the most part recorded without specifying whether they

resulted in summary or indictable conviction. Given the substantial discrepancy between the two in terms of maximum penalty, this is clearly an important omission. Also, sentences of incarceration are more likely to be reported than non-carceral sanctions, and this will have the effect of presenting a picture of sentences that is somewhat harsher than reality. (For further information on the deficiencies - from a research perspective - of the FPS data, the reader is referred to Hann and Harman, 1985).

Thus comparisons of sentences in the newspaper sample and sentences recorded in FPS-CPIC should be examined for general trends rather than for details. We shall present comparative data for only a few high-frequency offences from the category of offences against the person.

1. Sexual Assault

TABLE 7

**Comparison between sentences reported in the newspapers and
current sentencing practice**

Sexual Assault

	Disposition (%)					
	<u>Fine</u>	<u>Prob.</u>	<u>S.S.</u>	<u>Prov.</u>	<u>Fed.</u>	<u>Other</u>
Court Data (n = 2168; 1983-4)	5	4	28	53	10	-
Media Sample (n = 81; 1984-5)	2	9	2	35	47	5

This table does not support the view that newspapers report the most lenient sentences; on the contrary, it seems that they report the more serious dispositions involving incarceration. However, it should be noted that the newspapers are most likely to cover the most serious instances of sexual assault, which are of course more likely to generate a severe sentence such as a period in a federal institution. This table suggests that it is the sentences *in light of the* seriousness of the offence reported that conveys the perception of leniency; it is not that the sentences themselves are particularly lenient.

2. Robbery

TABLE 8

**Comparison between sentences reported in the newspapers and
current sentencing practice**

Robbery

Disposition (%)

	<u>Prov.</u>	<u>Fed.</u>	<u>Other</u>
% Incarcerated (Court Data) (n = 10,336)	43	49	8
% Newspaper (n = 64)	6	94	0

The same is true for robbery: sentences in the newspapers appear more severe than those recorded in actual practice.

3. Manslaughter

The next table compares the two sources of data for manslaughter cases. Here the data are more comparable, as can be seen Table 9.

TABLE 9

**Comparison between sentences reported in the newspapers and
current sentencing practice**

Manslaughter

	Disposition (%)		
	<u>S.S.</u>	<u>Prov.</u>	<u>Fed.</u>
Court Data (n = 394)	3	15	83
Newspapers (n = 34)	6	9	85

Newspaper Treatment of Manslaughter: A Case Study

On account of the small number of cases for any particular offence (for example the analysis generated only 34 cases of manslaughter) it is obviously impossible to draw firm conclusions from comparisons between the sentences reported in the media to actual dispositions. As the Canadian Sentencing Commission noted in its report, reliable national sentencing statistics have not been routinely available in Canada for some years now. However, an examination of the manslaughter stories contained in this sample of stories does provide insights into the process by which members of the public acquire the view that sentences are too lenient.

Of the 34 cases reported in the sample, 94% received sentences of incarceration. The average number of years to which this group of offenders was sentenced was 5.16 years. On the face of things this is not particularly lenient: the median sentence for manslaughter reported by the Canadian Sentencing Commission was 5 years.⁵ It does not appear to be the case then that the public infer judges are too 'soft' by reading of excessively lenient sentences. Rather, they derive this impression because the news media selectively reports those instances of manslaughter that are the among the most serious imaginable.

This conclusion comes from an examination of the actual stories. In fact even a cursory glance of the headlines of these stories provides insight into the content. (A selection of these can be seen in Appendix 'A'.) These crimes are clearly different from the cases of manslaughter confronting most judges.

Some other facets shed further light on the stories in this sample. In the vast majority of cases the offenders were charged with first degree murder, but the case

ended up with a guilty plea to the charge of manslaughter. The news accounts describe events that would in all probability strike members of the public as first or second degree murder, and not manslaughter. A "repulsive slaying" - to use one example - is not a description most people would associate with manslaughter. In fact, one of the stories whose headlines is reproduced in Appendix A fails to mention the fact that the offender was convicted of manslaughter; it simply describes the crime as a "machete killing". Public reaction to these cases and their sentences is likely to be extremely negative. In their minds the readers of those newspapers are 'sentencing' the offender for a more serious offence than the one of conviction.

The Formation of Public Attitudes

A great deal of research in the social sciences has investigated the way in which public attitudes are formed (see, for example, work by Nisbett and Ross, 1980). It is clear from this literature that people often form attitudes on the basis of little concrete foundation. Members of the public frequently generalize from single instances to an entire population. This was dramatically demonstrated in an experiment conducted by Hamill, Wilson and Nisbett, in 1980. Subjects viewed a videotape of a prison guard who acted in one of two ways: he was either cold and inhumane, or warm and humane. Even when they were informed that this particular individual was not representative of the larger population of prison guards, participants still acquired a view of prison guards that was founded upon the behaviour of this single individual.

The average layperson, then, is not sensitive to the importance of the representativeness of a particular individual (see Nisbett and Wilson, 1980, Chapter 8,

for a further discussion of this point). It is clear that attitudes towards sentencing (and forms of early release) may well be affected by this shortcoming in social judgment. Readers of newspapers may well infer that most or all sentences are too lenient after learning about one or two sentences that appear to be insufficiently harsh. Thus when the public learn of a "razor killing which resulted in a sentence that could be served in the community after six months" they may well infer that all sentences of homicide are inappropriately lenient. This inference will in all probability be made without readers pausing to consider how representative this sentence was of all sentences for this type of crime.

It also appears to be the case that although these opinions are easily formed, they are not so easily modified or discarded. At least part of the explanation for this paradox is that many attempts at public education consist of statistical information concerning, for example, sentencing trends or parole 'success' rates. This kind of material is pallid and lacks the impact of a single, vivid case in which a serious crime resulted in a 'lenient' penalty.

The related issue of parole provides a graphic illustration of this phenomenon. The news media - particularly newspapers - have devoted a great deal of attention to the trial of Allan Sweeney and the subsequent inquest into the death of his victim. (Sweeney was convicted of first degree murder while on parole from a life sentence for a murder committed in 1975.) The release of statistical information to show that such tragedies are extremely rare, and that the vast majority of parolees complete their sentences in the community without further convictions, will do little to weaken public antipathy to early release, antipathy that has been greatly inflamed by news media coverage of incidents such as this. It is not surprising that a recent national

survey (Ottawa Citizen, 1987b) found that more than 60% of Canadians polled were of the view that the present parole system is too lenient. Public legal education in controversial areas such as parole clearly must adopt a more flexible approach in order to increase public knowledge of the system.

WHAT DETERMINES WHETHER A PARTICULAR SENTENCING HEARING WILL BE REPORTED?

The primary determinant then, of whether a particular sentencing hearing gets reported by the news media is the seriousness of the offence. By seriousness we mean both the seriousness of the offence category, as well as the seriousness of this particular case. Not all cases of murder are reported; only the most heinous. This conclusion is sustained by other research which focused upon personnel working in Canadian news media. Rosenfeld (1988) examined the editorial decisions made by the staff of newspapers, radio stations and television networks. Seriousness of the crime was the criterion cited most often as determining whether a sentencing hearing was reported.

SUMMARY AND CONCLUSION

Most members of the Canadian public endorse the view that sentences are too lenient. As well, the vast majority of people rely almost exclusively on the news media for information about sentencing practice and process. Not surprisingly, perhaps, survey research has demonstrated widespread misperceptions of sentencing practices, statutory penalties and early release rates. To better understand the nature of information at the disposal of the public, a systematic content analysis was carried

out upon a sample of English-language newspapers in Canada. Several findings emerged which have implications for public knowledge of, and attitudes towards, sentencing in Canada.

Offences against the person were highly over-represented (relative to their actual occurrences). The most frequent category of offence was homicide. The distribution of dispositions also presents an inverted image of reality: the most frequent (by far) disposition reported in the news media was imprisonment. Alternatives to imprisonment appear infrequently in the sentences reported by newspapers. Newspapers generally only report the more serious offences. Stories containing a sentence are usually brief and convey little information beyond the disposition handed down. In addition, little or no information is provided about the purposes of sentencing, the reason for any particular disposition, current sentencing trends, and the minimum and maximum penalties prescribed by the Criminal Code of Canada.

Future Research Directions

This content analysis of english-language newspapers in Canada has provided data which explain why the public have the view that sentences are too lenient. The correspondence between the perceptions of the public and the image of sentencing projected by the newspapers is apparent. It would be overly optimistic to assume that members of the public would know much about current sentencing practice or the sentencing process when their primary source of information is the news media. What an analysis of this kind does not tell us however, is what more subtle effects may exist. For example, what is the effect (short-term or cumulative) upon public models of sentencing? One's model of sentencing and views of the most appropriate purpose

of sentencing reflect, to some degree, one's picture of the distribution of crime. And, as we know, the public have a distorted view of the incidence of various crimes, reflecting, presumably, news media emphasis upon violent, interpersonal offences. This suggests a further stage of research, going beyond the essentially correlational approach of a content analysis. Experimental work is necessary, in which the amount and type information conveyed to subjects is manipulated, in order to observe the effects upon public reactions to offences and offenders.

Finally, a restriction on these findings should be noted. This content analysis examined only one type of news media - newspapers - and only newspapers in one language. The public also derive information about courts and sentencing from radio and television news. As well, the image of sentencing held by members of the public is in all probability also affected by fictional representations. The newspapers cannot be held exclusively responsible for shaping public perceptions of sentencing.

The perception held by the public that sentences are overly lenient can be directly traced to news media treatment of sentencing. It is in short, not surprising that the vast majority of Canadian public know little about and hold negative views of, sentencing practice and process: systematic content analysis reveals they receive inadequate information on which to base an informed opinion.

REFERENCES

- Broadhurst, R. and Indermaur, D. (1982) Crime Seriousness Ratings: The Relationship of Information Accuracy and General Attitudes in Western Australia. Australia and New Zealand Journal of Criminology, 15, 219-234.
- Bertrand, F. (1982) Public Opinions About Criminal Justice Issues: Some Cautions About Poll Data. Impact, 1, 11-20.
- Brillon, Y., Louis-Guérin, C. and Lamarche, M.C. (1984) Attitudes of the Canadian Public Toward Crime Policies. Montréal: Centre International de Criminologie Comparée, University of Montréal.
- California Assembly Committee on Criminal Procedure (1986) Deterrent Effect of Criminal Sanctions. Sacramento: Assembly of the State of California.
- Canadian Sentencing Commission (1987) Sentencing Reform: A Canadian Approach. Ottawa: Minister of Supply and Services Canada.
- Centre for Criminological Research (1984) Sentencing in the Crown Court. Oxford: University of Oxford.
- Davis, F.J. and Turner, L.W. (1981) Sampling Efficiency in Quantitative Newspaper Content Analysis. Public Opinion Quarterly, 15, 162-163.
- Department of Justice, Canada (1983) Sentencing Practices and Trends in Canada: A Summary of Statistical Information. Ottawa: Department of Justice.
- Doob, A.N. (1985) The Many Realities of Crime. In: E.L. Greenspan and A.N. Doob (Eds.) Perspectives in Criminal Law. Aurora: Canada Law Book Inc.
- Doob, A.N. and Roberts, J.V. (1982) Crime and the Official Response to Crime: The View of the Canadian Public. Department of Justice, Canada.
- Doob, A.N. and Roberts, J.V. (1983) Sentencing: An Analysis of the Public's View. Ottawa: Department of Justice, Canada.
- Doob, A.N. and Roberts, J.V. (1984) Social Psychology, Social Attitudes and Attitudes Toward Sentencing. Canadian Journal of Behavioural Science, 16, 269-280.
- Gordon, J.T. and Heath, L. (1981) The News Business, Crime and Fear. In: D.A. Lewis (Ed) Reactions to Crime. Beverly Hills: Sage.
- Graber, D.A. (1980) Crime News and the Public. New York: Praeger.
- Graber, D.A. (1984) Processing the News. How People Tame the Information Tide. New York: Longman.

- Hamill, R., Wilson, T.D. and Nisbett, R.E. (1980) Insensitivity to Sample Bias: Generalizing from Atypical Cases. Journal of Personality and Social Psychology, 39, 578-589.
- Hann, R.G. and Harman, W. (1985) Initial Assessment of Potential Applications of FPS/CPIC Database to Meet Statistical Requirements of Department of Justice. Ottawa: Department of Justice, Canada.
- Hann, R.G., Moyer, S., Billingsley, B. and Canfield, C. (1983) Sentencing Practices and Trends in Canada: A Summary of Statistical Information, Department of Justice, Canada.
- Holsti, O.R. (1969) Content Analysis for the Social Sciences and Humanities. Reading, Mass.: Addison Wesley.
- Nisbett, R.E. and Ross, L. (1980) Human Inference: Strategies and Shortcomings of Social Judgement. New Jersey: Prentice-Hall.
- Nock, S. and Sheley, J. (1979) Support for Leniency in the Criminal Courts. Criminal Justice Review, 4, 51-63.
- Ottawa Citizen (1987a) "78% Polled Say Courts Too Easy on Criminals", January 14, 1987, p. 3.
- Ottawa Citizen (1987b) "Most Canadians Think Parole Too Easy to Get, Poll Shows", April 30, p. 4.
- Research Staff, (1986a) Public Opinion and Sentencing (II). Canadian Sentencing Commission.
- Roberts, J.V. (1980) A Content Analysis of Crime Coverage in Toronto Newspapers. Toronto: Centre of Criminology, University of Toronto.
- Roberts, J.V. and Doob, A.N. (1988) Sentencing and Public Opinion: Taking False Shadows for True Substances. Osgoode Hall Law Journal (in press).
- Rosenfeld, E. (1988) Process, Policy and Prejudice. A Survey of Editorial Policies on Sentencing-related News. The Research Reports of the Canadian Sentencing Commission. Ottawa: Department of Justice, Canada.
- Rossi, P.H., Waite, E., Bose, C.E. and Berk, R.E. (1974) The Seriousness of Crimes: Normative Structure and Individual Differences. American Sociological Review, 39, 224-237.
- Solicitor General of Canada (1984a) Selected Trends in Canadian Criminal Justice. Ottawa: Canadian Government Publishing Centre.
- Solicitor General of Canada (1984b) Canadian Urban Victimization Survey, Vol. 2. Reported and Unreported Crimes. Ottawa: Ministry of Supply and Services.

- Solicitor General of Canada (1985) Long Term Imprisonment in Canada. Working Paper No. 1: An Overview of the Long Term Prisoner Population and Suggested Directions for Further Research.
- Stempel, G.H. (1982) Sample Size for Classifying Subject Matter in Dailies. Journalism Quarterly, 29, 333-334.
- Stephen, J.F. (1883) A History of the Criminal Law of England, Volume 2. New York: Franklin.
- Thomson, D.R. and Ragona, A.J. (1987) Public Moderation versus Governmental Authoritarianism: An interactionist View of Public Sentiments Toward Criminal Sanctions. Crime and Delinquency, 33, 337-357.
- Tremblay, G. (1988) Recherche sur les strategies et pratiques des médias en matière d'information judiciaire. The Research Reports of the Canadian Sentencing Commission. Ottawa: Department of Justice, Canada.
- Van Dijk, J.B. (1978) The Extent of Public Information and the Nature of Public Attitudes Towards Crime. (Draft) The Hague: Research and Documentation Centre, Ministry of Justice.
- Verdun-Jones, S.N. and Mitchell-Banks, T.R. (1988) The Fine as a Sentencing Option in Canada. The Research Reports of the Canadian Sentencing Commission. Ottawa: The Department of Justice, Canada.
- Williams, K.R., Gibbs, J.P. and Erickson, M.L. (198) Public Knowledge of Statutory Penalties. Pacific Sociological Review, 23, 105-119.

APPENDIX A

Examples of Newspaper Headlines of Manslaughter Cases

(Derived from Sample of English-language Newspapers)

1. Man gets 8-year term for 'repulsive' slaying (Toronto Star, 12/31/85)
2. Teen who used razor in killing could be on street in 6 months (C.P.)
3. Convict jailed six years for prison killing (Ottawa Citizen, 23/9/85)
4. 1971 Slaying: Ebsary jailed 3 years (C.P.)
5. 5 "average" teens get 9 years for killing librarian (Toronto Star, 27/11/85)
6. Teenagers get nine-year jail terms in beating death of school librarian (Ottawa Citizen, 27/11/85)
7. Killer's six-year sentence a "farce": victim's parents (Ottawa Citizen, 28/11/85)
8. Sentence 6 years for machete killing (Globe and Mail, 28/11/85)
9. Leaving victim to die nets four-year sentence (Calgary Herald, 29/11/84)
10. Sentences anger crime victims: Man gets 3 years for girlfriend's balcony death (Toronto Star)
11. Man described as a psychopath gets 10-year sentence for shooting mother (C.P.)
12. Man who tortured friend gets 14 years (Ottawa Citizen)
13. Aunt sentenced to seven years for beating death 2-year-old (The Gazette)

APPENDIX B

Classification of Offences: Examples of Four Categories

A. Crimes Against the State

1. High Treason s. 47(1)
2. Highjacking s. 76.1
3. Perjury s. 121
4. Obstructing Justice s. 127(2)
5. Frauds upon government/secret commissions s. 110(1)
6. Prison Breach s. 132
7. Making counterfeit money s. 407
8. Possession of counterfeit money s. 408
9. Escape and being at large without escape s. 133(1)
10. Public Mischief s. 128
11. Obstruction/Offences relating to public or peace officer s. 118
12. Driving while impaired s. 234
13. Failing or refusal to provide sample s. 234.1/s. 235
14. .08 s. 236
15. Failure to attend court when at large on undertaking or recognizance s.133(5)
16. Failure to comply with condition of undertaking or recognizance s. 133(3)
17. Failure to appear with respect to summons for purposes of identification s. 133(4)
18. Failure to appear: Appearance notice/promise to appear for purposes of identification s. 133(5)
19. Contempt s. 636

20. Failure to comply with a probation order s. 666
21. Acts of gross indecency s. 157
22. Corrupting morals/obscenity s. 159/165
23. Indecent acts s. 169
24. Soliciting s. 195.1
25. Keeping a common gaming house or common betting house s. 185.1
26. Betting, pool-setting, book-making, etc. s. 186
27. Placing bets on behalf of others s. 187
28. Keeping common bawdy-house s. 193
29. Causing disturbance, indecent exhibition, loitering s. 171
30. Incest (public morals) s. 150
31. Failure to stop at scene s. 233(2)

B. Crimes Against the Person

1. First Degree Murder s. 214(1-6), 218
2. Second Degree Murder s. 214(7), 218
3. Causing death by criminal negligence s. 203
4. Manslaughter s. 219
5. Kidnapping s. 247(1)
6. Attempt to commit murder s. 222
7. Robbery s. 303
8. Causing bodily harm with intent s. 228
9. Extortion s. 305
10. Aggravated sexual assault s. 246.3
11. Sexual assault with weapon or causing bodily harm s. 246.2

12. Incest s. 150
13. Sexual intercourse with female under 14 s. 146(1)
14. Assault with weapon or causing bodily harm s. 245.1
15. Aggravated assault s. 245.2
16. Sexual assault s. 246.1
17. Causing bodily harm by criminal negligence s. 204
18. Unlawfully causing bodily harm s. 245.3
19. Assault peace officer s. 246
20. Criminal negligence in operation of motor vehicle s. 233(1)
21. Dangerous Driving s 233(4)
22. Assault s. 245
23. Failing to stop at scene of accident s. 233(2)

C. Crime Against Property (Economic Crimes)

1. Break and enter dwelling house s. 306(1)(d)
2. Break and enter other than dwelling house s. 306(1)(e)
3. Theft over \$200 s. 294(a)
4. Possession of property obtained by crime over \$200 s. 313(1)
5. Forgery s. 325(1)
6. Uttering forged document s. 326(1)
7. Arson (specific enumeration) s. 389(1)
8. Arson (Other) s. 389(2)
9. Wilful mischief in relation to public property s. 387(3)
10. Wilful mischief in relation to private property s. 387(4)
11. Theft, forgery of credit card s. 301.1

12. Theft under \$200 s. 294(b)
13. Possession of property obtained by crime under \$200 s. 313(b)
14. False pretence leading to theft over \$200 s. 320(2)(d)
15. False pretence leading to theft under \$200 s. 320(2)(b)
16. Fraud over \$200 s. 338(1)(a)
17. Fraud under \$200 s. 338(1)(b)
18. Taking motor vehicle without consent s. 295
19. Fraudulently obtaining food and lodging s. 322(1)
20. Damage not more than \$50 s. 388
21. Frauds upon government s. 119(1)
22. Making counterfeit money s. 407
23. Possession of counterfeit money s.408

D. Controlled Objects and Substances

1. Import/export NCA s. 5
2. Trafficking and possession for purpose of trafficking NCA s. 4
3. Trafficking and possession for purpose of trafficking FDA s. 34
4. Trafficking and possession for purpose of trafficking FDA s. 42
5. Use of firearm during commission of offence s. 83
6. Cultivation NCA s. 6
7. Pointing a firearm s. 84(1)
8. Carrying or having in possession weapon for dangerous purposes s. 85
9. Possession of narcotic NCA s. 3
10. Possession of restricted drug FDA s. 41
11. Careless use/storage of firearms s. 84(2)

12. Carrying concealed weapon - no permit s. 87
13. Possession of prohibited weapon s. 88(1)
14. Possession of unregistered restricted weapon s. 89(1)

ENDNOTES

1. This research formed part of the research activities of the Canadian Sentencing Commission. The author is grateful to the Research Director, Professor Jean-Paul Brodeur and the other members of the Commission's research staff, for their contributions. The opinions expressed in this article are solely those of the author, and do not represent the views of either the Canadian Sentencing Commission or the Department of Justice, Canada. Author's address: Research and Development Directorate, Department of Justice, Ottawa, K1A 0H8.
2. Since this content analysis was conducted, and the report written up, more recent work (Roberts and Doob, 1988) has provided a direct comparison between the views of the public and the practice of the courts. There would appear to be little concrete evidence to support the view that the public are more harsh towards offenders. In terms of overall punitiveness, analyses revealed that the public would send fewer, not more offenders to prison than is currently the practice of the courts. At least this is the case for the few offences for which direct comparisons (between public opinion and judicial practice) were possible. (See Table 10, Roberts and Doob, 1988 and also Thomson and Ragona, 1987) The opinion poll data, therefore, should be interpreted with some caution.
3. This report does not present all the findings from the content analysis. Only those most central to the issues raised by the Commission's mandate have been described.
4. The same is true in foreign jurisdictions. Thus the authors of a recent report on the use of fines (Verdun-Jones and Banks, 1988) note that three-quarters of convictions in the United States resulted in the imposition of a fine.
5. See Table 4.3, pp. 206-207 of Commission report.

